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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,789

03/21/2006

Gabor-Josef Agardy

344/1/112

9558

170

7590

06/08/2007

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

06/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/572,789

Applicant(s)

AGARDY ET AL.

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/21/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. It is believed that the DE 20203749 mentioned in the specification should be DE 20203794.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- It is noted that claims 5, 9 and 10, the claimed features "each drive mechanism" and "the drive mechanism" are not consistent with "the common drive mechanism" as stated in claim 1.
- In claim 7, it is believed that the claimed feature "opposite senses" comprises a typographical error.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler (US 2768710) in view of Agardy et al. (DE 20203794). Please note that US 2005/0034937 A1 is being used in the rejection; since the US publication is an English equivalent of the DE document.

Re: claim 1, Butler shows an azimuth brake, as in the present invention, comprising: at least two pairs of brake shoes 33, 34, 35, 36 adapted to be arranged at a common brake disk 10; and each having an actuator associated therewith, each actuator including a lever 52 that is adapted to be pivotable about an axis extending parallel to the a plane of the brake disk, a transmission 30 for translating the pivotal movement of the lever into an axial engaging movement of the brake shoes against the brake disk, and a common drive mechanism 62 for coupling the levers of the actuators of said at least two pairs of brake shoes. Butler's levers 52 is pivotable about an axis parallel to the plane of the brake disk while claim 1 requires that levers to be pivotable about an axis normal to the plane of the brake disk. Agardy et al. teach an azimuth brake with a lever 24 pivotable about an axis normal to the plane of the brake disk 10 as another arrangement for an actuating mechanism for an azimuth brake. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Butler's brake to comprise the arrangement as taught by Agardy in order to take advantage of a motorized actuator which would be more convenient and powerful than a manual actuator of Butler. Note that since claim 1 does not positively claim the wind power plant, Butler's is capable of being used in a wind power plant.

Re: claim 2, Butler also shows that each pair of brake shoes has a saddle 14 with the transmission 30 being integrated therein.

Re: claim 3, Butler shows the saddles 14, 14 of the at least two pairs of brake shoes that are associated with the common drive mechanism actuator, are held on a common bracket 24.

Re: claim 4, Butler shows the common drive mechanism 62 to be coupled to two levers 52 in such a way that the two levers are acting together to evenly apply braking force.

Re: claim 5, as modified, Butler's brake would have two push rods 26 as shown in figure 1 of Agardy.

Re: claim 6, Agardy shows the motor 28 and the push rod 26 to be an electromechanical threaded spindle, see paragraph [0009], hence it is adjustable.

Re: claim 7, Agardy shows the levers 24 as claimed and the transmission 36 as claimed.

Re: claim 8, Butler shows the levers 52, 52 project inwardly relative to the brake disk 10. As modified, the levers 24 would be projecting radially inwardly relative to the brake disk 10 of Butler.

Re: claims 9 and 10, Agardy shows the threaded spindle and motor as claimed.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steele, Evans, Miller, Wilkinson, Warsaw, Nieminski et al., Treude, Makosinski and Schmidt are cited for other brakes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 5-16-07  
Primary Examiner  
Art Unit 3683